



Delaware Thoroughbred Racing Commission Minutes of April 30, 2008

The Delaware Thoroughbred Racing Commission held a regular meeting and public hearing on April 30, 2008, at 10:00 AM, in the Horsemen's Office, located on the grounds of Delaware Park, 777 Delaware Park Boulevard, Wilmington, Delaware 19804.

The following commission members were present:

Bernard J. Daney, Chairman
W. Duncan Patterson, Jr., Secretary/Commissioner
Henry James Decker, Commissioner
Edward Stegemeier, Commissioner

The following commission members were excused:

Debbie Killeen, Commissioner

The following individuals also were present:

John F. Wayne, DTRC, Executive Director
Andrew Kerber, Esq., Deputy Attorney General, Commission Counsel
Anthony Pecararo, Trainer
Bessie Gruwell, DTHA, Executive Director
Bill Fasy, Delaware Park, Chief Operating Officer
Bobbie McAlister, Trainer
Daniel Furr, Trainer
Dennis Lima, DTRC, State Steward
Dr. John T. Peters, DTRC, Supervising Commission Veterinarian
Ed Long, Owner/Trainer
Everett Pratt, Owner/Trainer
Francis Swift, Jr., DTRC Inspector
Fritz Burkhardt, DTRC, State Steward
G. Jack Houghton, Jr., DTRC, Chief State Steward
Gary Katz, Esq., Trainer
Greg Petkiewicz, Delaware Park, Sr. Vice President of Racing Operations
Ismael Trejo, Delaware Park, Racing Secretary
Jack Ireland, News Journal, Sports Reporter
Jim Connor, DTHA, Board Member
Joe Rudisill, Delaware Park, Sr. Vice President of Compliance
Juan Carlos Vazquez, Owner
Larry Saumell, Regional Manager, The Jockeys' Guild
Madeline Locke, Owner
Michael Angelil, Owner
Michael Pino, Trainer
Michael Vild, Delaware Park, General Counsel
Paul Cimini, Trainer
Paul N. Trapani, Owner
Peter Klesaris, Owner/Trainer
Phillester Kelly, Owner/Trainer
Ramon L. Rodriguez, TRPB Agent
Randy S. Martin, Trainer
Robert Colton, Delaware Jockey Association, President
Roger Legg, Owner
Scott Peck, DTHA, President
Steve Cooper, Owner
Steve Klesaris, Owner/Trainer
T. Bernard Houghton, Trainer
Vicky Battaglini, Owner/Trainer

1. **CALL TO ORDER & WELCOME**

At 10:00 AM Chairman Daney called the meeting to order and welcomed those in attendance.

2. **APPROVAL OF MINUTES**

Upon a motion duly made and seconded, minutes of April 14, 2008 were approved as submitted.

3. **OLD BUSINESS**

No old business discussed.

4. **NEW BUSINESS**

A. **Proposed Rule Change – Claiming Rule 13.1.1 and 13.20**

The Delaware Thoroughbred Racing Commission in accordance with 3 Del.C. §10103(c) has proposed changes to its rules and regulations. The proposal amends Section 13 of the rules and regulations to address Claiming Races by amending existing Rule 13.1.1, and adding Rule 13.20.

Upon a motion duly made (Patterson) and seconded (Stegemeier) the following language is approved and a public hearing will be held on June 24, 2008 at 10:00 a.m.

13.1 Owners Entitled:

13.1.1 In claiming races, any horse, unless declared ineligible under Rule 13.20, is subject to claim for its entered price by any Owner in good standing, and who has started a horse at the race meeting at which the claim is made.

13.20 Option to Declare Horse Ineligible to be Claimed:

13.20.1 At the time of entry into a claiming race, the owner may opt to declare a horse ineligible to be claimed provided that the horse has been laid-off and has not started for a minimum of 180 days since its last race and is entered for a claiming price equal to or greater than the claiming price of the horse's last start.

5. **PUBLIC HEARING**

A. **Proposed Rule Change – Claiming Rule 13.1.1, 13.1.2, and 13.6.1**

The Delaware Thoroughbred Racing Commission in accordance with 3 Del.C. §10103(c) has proposed changes to its rules and regulations. The proposal amends Section 13 of the rules and regulations to address Claiming Races by amending existing Rule 13.1.1, 13.1.2, and 13.6.1.

At 10:18 AM the meeting was moved into the public hearing session and verbatim minutes were taken by Wilcox & Fetzer.

Upon a motion duly made (Patterson) and seconded (Decker) the proposed language was approved as proposed and confirmed for final publication to the June 2008 Register of Regulations.

13.1.1 In claiming races, any horse is subject to claim for its entered price by any Owner in good standing, ~~who has horses stabled on the Licensee's grounds,~~ and who has started a horse at the race meeting at which the claim is made.

13.1.2 An Owner may claim out of the race in which he first starts a horse. ~~Owners shipping in from other stable areas who have a horse claimed shall be allowed one claim to replace the horse lost via claiming.~~

13.6.1 No horse claimed in a claiming race shall be sold or transferred, wholly or in part, to anyone within thirty (30) days after the day it was claimed, except in another claiming race. A horse claimed by an Owner that has started a horse at the current meet and by a Trainer that is currently stabled on the grounds of the Association, shall not be permitted to run in another racing jurisdiction for the period of sixty (60) days, beginning the day after the claim was made, or until the end of the current meet, whichever comes first. A

horse that is claimed by an Owner that has started a horse at the current meet and by a Trainer that is not currently stabled on the grounds of the Association shall not be permitted to race elsewhere until the close of the meeting which it was claimed. No claimed horse shall race elsewhere until sixty (60) calendar days after the date on which it was claimed or until after the close of the meeting at which it was claimed, whichever comes first. The day claimed shall not count, but the following calendar day shall be the first day and the horse shall be entitled to enter elsewhere whenever necessary so the horse may start on the 61st calendar day following the claim. The Stewards shall have the authority to waive this rule upon application, so as to allow a claimed horse to race in a stakes race. The Stewards may also permit a horse claimed in a steeplechase or hurdle race to race elsewhere in a steeplechase or hurdle race after the close of the steeplechase program, if such a program ends before the close of the meeting at which it is claimed.

6. REPORT FROM EXECUTIVE DIRECTOR

Last reported on April 14, 2008, therefore no report required at this time.

Executive Director John F. Wayne discussed the number of licensees thus far to date compared to the 2007 to date numbers. Licensing numbers were slightly increased even with the decrease in stable employees due to federal limits on the H2 B program. Ms. Bessie Gruwell commented on the recent decline of migratory workers that usually arrive from Central America.

Secretary/Commissioner Patterson inquired of Mr. Ismael Trejo, Racing Secretary at Delaware Park, in reference to empty stalls, and asked when Mr. Trejo expected the horses to arrive. Mr. Trejo expects the stalls to be 100% full on or about June 1, 2008.

7. REPORT FROM SUPERVISING COMMISSION VETERINARIAN

Dr. John T. Peters reminded horsemen that disease has no boundaries and asked that all vaccinations be kept up to date.

Owner, Ms. Madeline Locke, inquired of Dr. Peters what would happen if someone comes to the gate without papers? Dr. Peters reported that security had one yesterday (4/29/2008) from Maryland that wasn't vaccinated – the vet who vaccinated the horse was contacted and within about 10 minutes they (security) received a fax of the certification.

8. REPORT FROM DELAWARE HORSEMEN'S ASSOCIATION

A. Delaware Certified Program

Year to date: 38 starts, 8 first-place, 4 second-place, and 4 third-place finishes.

INTERMISSION CALLED BY CHAIRMAN DANNEY AT 10:40 AM – BACK IN SESSION AT 10:45 AM.

9. PUBLIC COMMENT

Chairman Daney called on the following attendees for comment:

Mr. Bill Fasy, Chief Operating Officer at Delaware Park introduced Michael Vild, Esq. Mr. Vild joined Delaware Park in early April 2008 as General Counsel in the executive offices.

There was a general discussion from the gallery of visitors to the meeting regarding some of the current issues facing the racing program since opening day, April 19, 2008. There was an abundance of recommendations and cross talk with all of the attendees about how to improve racing at Delaware Park. The number of racing days was also discussed. Issues involving communication between horsemen and track, participation and support of the current racing program, stable space, and ideas for improvement are scheduled to be discussed with a representation of stake holders with the Delaware Department of Agriculture's Secretary, Michael T. Scuse on May 7, 2008. The meeting will be held in the Executive Offices conference room at Delaware Park.

10. ADJOURN

Upon a motion duly made and seconded the meeting was adjourned at 11:42 AM.